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EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 10/29/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/457,839

Applicant(s)

BUI, HONG Q

Examiner

Cristina O Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 1-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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### DETAILED ACTION

1. This action is in response to Applicant's Amendment filed 1 August 2002.
2. All of Applicant's original claims, 1 – 30, have been canceled. Applicant has added new claims 31 – 64.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 31 – 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Flaherty et al (US 6,275,824 B1) in view of McDonough et al (US 6,070,142A).
5. O'Flaherty discloses a system for facilitating online transactions, comprising:  
an electronic wallet system that stores customer information, including payment information, for each of a plurality of registered users, and disseminates said customer information to online merchants in response to requests from the registered users; and  
at least one merchant web site system that offers items for sale, and provides an option for customers to use the electronic wallet system to supply information for purchasing said items; wherein the electronic wallet system is responsive to selection of said option by a registered user by authenticating the registered user and transmitting the customer information of the registered user to the merchant web site system, whereby the

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registered user can make a purchase from the merchant web site system without creating an account with the merchant web site system (Col. 4, In 7-29);

wherein said option is displayed in conjunction with at least one field for registered users to supply authentication information (Col. 5 In 17-30);

wherein the electronic wallet system further transmits to the merchant web site system an interests profile for the registered user, and the merchant web site system uses the interests profile to provide personalized content to the registered user (Col. 5 In 17-30);

wherein the interests profile is derived by the electronic wallet system from a history of purchases made by the registered user, including purchases from a plurality of online merchants (Col. 5 In 17-30);

6. O'Flaherty does not however, disclose the system of Claim 31, above, wherein the customer information of the registered user includes shipping information of the registered user (McDonough (Col. Col. 6 In 10-65). McDonough, however, does, as noted above. It would be obvious to one of ordinary skill in the art to combine the teachings of O'Flaherty and McDonough in order to provide better customer service as well as more user-friendly customer service.

7. Claims 36 – 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Flaherty et al (US 6,275,824 B1) in view of McDonough et al (US 6,070,142A).

8. O'Flaherty discloses a system for providing a server-side wallet service, the system comprising: a service web site that provides functionality for users to register with the wallet service and to provide customer information and authentication information for use of the wallet service, said customer information including payment information for

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making purchases from merchant web sites that support customer use of the wallet service; and a server system that authenticates registered users of the wallet service and selectively disseminates the customer information of the registered users to the merchant web sites in response to user requests, the server system thereby allowing registered users of the wallet service to make purchases from the merchant web sites using previously specified customer information; wherein the server system is responsive to a request to transfer the customer information of a registered user to a selected merchant web site by at least (1) using the authentication information of the registered user to authenticate the registered user, and (2) if the registered user is successfully authenticated, sending customer information of the registered user to the selected merchant web site to permit the merchant web site to transact a sale to the registered user, whereby the registered user may make a purchase from the selected merchant web site without having a preexisting account with, and without providing payment information to, the selected merchant web site (Col. 5 ln 17-30); wherein the customer information of the registered user includes shipping information of the registered user (Col. 5 ln 17-30); wherein the server system supports ability for registered users to make single-action purchases from merchant web sites (Col. 5 ln 17-30); wherein the server system maintains a log of purchases made by the registered user from each of a plurality of merchant web sites, and provides the registered user online access to the log (Col. 5 ln 17-30).

9. O'Flaherty does not however, disclose the system of Claim 36, above, wherein the server system uses the log to generate an interests profile for the registered user, and disseminates the interests profile to the merchant web sites to allow the merchant web sites to provide personalized content to the registered user (McDonough (Col. Col. 6 In 10-65). McDonough, however, does, as noted above. It would be obvious to one of ordinary skill in the art to combine the teachings of O'Flaherty and McDonough in order to provide better customer service as well as more user-friendly customer service.

10. Claims 41 - 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Flaherty et al (US 6,275,824 B1) in view of McDonough et al (US 6,070,142A).

11. O'Flaherty discloses a method for facilitating online transactions between users and online merchants, the method comprising: storing customer information for each of a plurality of registered users in a database, said customer information including payment information of registered users; receiving a request that the customer information of a registered user be provided to a selected merchant web site system, said request generated in response to an action performed by the registered user while accessing the merchant web site system; receiving authentication information submitted by the registered user; verifying that the authentication information submitted by the registered user is valid; and in response to determining that the authentication information submitted by the registered user is valid, transmitting customer information of the registered user to the selected merchant web site system to allow the registered user to make a purchase from the merchant web site system using previously specified information stored in the database; whereby the registered user may make a purchase

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from the selected merchant web site system without having a preexisting account with, and without providing payment information to, the selected merchant web site system (Col. 5 In 17-30);

wherein the customer information of the registered user includes shipping information of the registered user (Col. 5 In 17-30).

12. O'Flaherty does not however, disclose the system of Claim 41, above, wherein the customer information of the registered user further includes an interests profile that reflects purchases made by the registered user from each of a plurality of online merchants (McDonough Col. Col. 6 In 10-65). McDonough, however, does, as noted above. It would be obvious to one of ordinary skill in the art to combine the teachings of O'Flaherty and McDonough in order to provide better customer service as well as more user-friendly customer service.

13. Claims 44 - 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Flaherty et al (US 6,275,824 B1) in view of McDonough et al (US 6,070,142A).

15. O'Flaherty discloses a method of supporting transactions between users and online merchants, the method comprising: providing an electronic wallet service that allows users to make purchases from online merchants using previously-specified payment information; maintaining a purchase history for at least a first user of the wallet service, said purchase history representing purchases made by the first user from a plurality of online merchants; generating an interests profile that reflects said purchases made by the first user from the plurality of online merchants; and

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transmitting the interests profile of the first user to a web site system of at least one online merchant to allow the online merchant to provide personalized web site content to the first user (Col. 5 In 17-30).

16. O'Flaherty does not however, disclose the system of Claim 44, above, wherein the interests profile is transmitted to the web site system in response to use by the first user of the electronic wallet service to make a purchase from the web site system (McDonough Col. Col. 6 In 10-65). McDonough, however, does, as noted above. It would be obvious to one of ordinary skill in the art to combine the teachings of O'Flaherty and McDonough in order to provide better customer service as well as more user-friendly customer service.

17. Claims 46 - 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Flaherty et al (US 6,275,824 B1) in view of McDonough et al (US 6,070,142A).

18. O'Flaherty discloses a method of enabling a user to make a purchase from a merchant web site with which the user has not set up an account, the method comprising: registering the user with an information service, wherein registering the user comprises obtaining a name of the user and payment information of the user, and storing the name and payment information on an information service server, wherein the information service server belongs to a domain other than a domain of the merchant web site; storing a cookie on a computer of the user, wherein the cookie corresponds to a domain of the information service server; providing, in a web page of the merchant web site and in conjunction with a description of a purchasable item, a reference to a graphic served by the information service server, such that when a browser running on



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the computer of the user retrieves the web page, the browser is caused to request the graphic from, and transmit the cookie to, the information service server; and

at the information service server, in response to receiving the cookie and a request for the graphic from the computer of the user, returning to the computer of the user a single-action purchase graphic indicating that the item may be purchased with a single selection action, said single-action purchase graphic being selectable by the user to purchase the item (Col. 5 ln 17-30);

wherein the single-action purchase graphic includes a name of the user (Col. 5 ln 17-30);

wherein the single-action purchase graphic includes a field for the user to enter a password to be submitted to the information service server (Col. 5 ln 17-30);

wherein the web page is encoded such that, when the user selects the single-action purchase graphic, a merchant identifier and an identifier of the item are transmitted from the computer of the user to the information service server (Col. 5 ln 17-30);

further comprising, at the information service server, responding to user selection of the single-action purchase graphic by transmitting at least the name and payment information of the user to a computer of the merchant web site (Col. 5 ln 17-30);

further comprising, at the information service server, responding to user selection of the single-action purchase graphic by transmitting shipping information of the user to the computer of the merchant web site (Col. 5 ln 17-30).

19. O'Flaherty does not however, disclose the system of Claim 46, above, further comprising, at the information service server, responding to user selection of the single-

action purchase graphic by charging the user for the item (McDonough Col. Col. 6 In 10-65). McDonough, however, does, as noted above. It would be obvious to one of ordinary skill in the art to combine the teachings of O'Flaherty and McDonough in order to provide better customer service as well as more user-friendly customer service.

20. Claims 53 - 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Flaherty et al (US 6,275,824 B1) in view of McDonough et al (US 6,070,142A).

21. O'Flaherty discloses a system that enables users to make purchases from web sites without submitting payment information to such web sites, the system comprising: an information service server system that includes web pages through which users may register and submit payment information, wherein the information service server system stores cookies on computers of users who register, and uses the cookies to identify such users; and a merchant web site having a web page that includes a reference to a graphic served by the information service server system such that when a browser retrieves the web page from the merchant web site, the browser is caused to request the graphic from the information service server system, wherein the reference to the graphic is provided in the web page in conjunction with an option to purchase an item represented within the web page; wherein the merchant web site belongs to a domain that is different from a domain of the information service server system, such that said cookies are not transmitted to the merchant web site; and wherein the information service server system is responsive to a browser request for the graphic from a computer of a registered user by (1) using a cookie transmitted with the request to identify the registered user, and (2) returning to the computer of the registered user an

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instance of the graphic indicating that the item may be purchased with a single selection action (Col. 5 ln 17-30);

wherein the instance of the graphic includes a name of the registered user (Col. 5 ln 17-30);

wherein the instance of the graphic includes a field for the registered user to enter a password to be submitted to the information service server system (Col. 5 ln 17-30);

wherein the web page is configured such that selection of the instance of the graphic by the registered user causes a merchant identifier, and an identifier of the item, to be transmitted from the computer of the registered user to the information service server system (Col. 5 ln 17-30).

22. O'Flaherty does not however, disclose the system of Claim 53, above, wherein the information service server system is responsive to user selection of the instance of the graphic by transmitting at least a name and payment information of the registered user to a computer of the merchant web site (McDonough Col. Col. 6 ln 10-65); wherein the information service server system is further responsive to user selection of the instance of the graphic by transmitting shipping information of the registered user to the server of the merchant web site (McDonough Col. Col. 6 ln 10-65) wherein the information service server system is responsive to user selection of the instance of the graphic by charging the registered user for the item (McDonough Col. Col. 6 ln 10-65). McDonough, however, does, as noted above. It would be obvious to one of ordinary skill in the art to combine the teachings of O'Flaherty and McDonough in order to provide better customer service as well as more user-friendly customer service.

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23. Claims 60 - 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Flaherty et al (US 6,275,824 B1) in view of McDonough et al (US 6,070,142A).

24. O'Flaherty discloses a method of personalizing a web page of a web site, the method comprising: storing a cookie on a computer of a user, wherein the cookie corresponds to a domain of a server that has access to at least a name of the user, said domain being different from a domain of the web site so that the cookie is not transmitted to the web site; providing, within coding of the web page, a reference to a graphic served by the server, such that when a browser retrieves the web page, the browser is caused to request the graphic from the server; and when a browser running on the computer of the user retrieves the web page from the web site and sends a resulting request for the graphic to the server, responding to the request by at least: (a) using the cookie transmitted with the request to identify the name of the user, (b) incorporating the name of the user into an image, and (c) returning the image to the user computer for display within the web page (Col. 5 In 17-30); wherein the image is a single-action purchase graphic that is adapted to be selected by the user to complete a purchase of an item represented within the web page (Col. 5 In 17-30); wherein the image includes a field for the user to enter a password to be submitted to the information service server system (Col. 5 In 17-30); further comprising, at the server, responding to user selection of the image by transmitting at least the name and payment information of the user to the web site (Col. 5 In 17-30).

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25. O'Flaherty does not however, disclose the system of Claim 60, above, further comprising, at the server, responding to user selection of the image by charging the user for an item represented within the web page (McDonough Col. 6 In 10-65). McDonough, however, does, as noted above. It would be obvious to one of ordinary skill in the art to combine the teachings of O'Flaherty and McDonough in order to provide better customer service as well as more user-friendly customer service.

***Response to Arguments***

26. Applicant's arguments filed 1 August 2002 have been fully considered but they are not persuasive. Examiner respectfully directs Applicant to O'Flaherty et al (US 6,275,824 B1, Col. 5 In 17-30) and McDonough et al (US 6,070,142A, Col. 6 In 10-65).

27. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

***Conclusion***

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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29. Mital (US 5,903,652A discloses a system and apparatus for monitoring secure information in a computer network.


30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

32. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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October 21, 2002

  
JAMES R. TRAMMELL  
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